

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

PRISCILLA STERLING, RAINE BECKER,
SHAWN MILLER, AND JOHN BENNETT,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED,

Plaintiffs,

vs.

THE CITY OF JACKSON, MISSISSIPPI;
CHOKWE A. LUMUMBA; TONY YARBER;
KISHIA POWELL; ROBERT MILLER; JERRIOT
SMASH; SIEMENS INDUSTRY, INC.; AND
TRILOGY ENGINEERING SERVICES LLC.,

Defendants.

Civil No. 3:22-cv-531-KHJ-MTP

**PLAINTIFFS' RESPONSE IN
OPPOSITION TO TRILOGY
ENGINEERING SERVICES, LLC'S
MOTION TO STRIKE
PARAGRAPH 208 OF PLAINTIFFS'
COMPLAINT**

1. Plaintiffs Priscilla Sterling, Raine Becker, Shawn Miller, and John Bennett, individually and on behalf of all other similarly situated, (“Plaintiffs”) bring claims against Defendant Trilogy Engineering Services, LLC (“Trilogy”) for traditional and professional negligence. The parties set a briefing schedule (dkt. 29), which this Court granted, and Trilogy moved to strike (dkt. 36).

2. Plaintiffs, by and through their undersigned counsel and pursuant to L.U. Civ. R. 7 and Fed. R. Civ. P. 12(f), hereby submit this Response in Opposition to Trilogy Engineering Services, LLC’s Motion to Strike Paragraph 208 of Plaintiffs’ Complaint and a Memorandum in Support of its position. Plaintiffs hereby incorporate the accompanying Memorandum of Opposition to the Motion into this response.

3. Trilogy does not challenge the veracity of the allegations contained the paragraph it seeks to strike. Instead, it merely seeks to strike the paragraph to “avoid any prejudice against Trilogy.” Dkt. 37 ¶ 6. Further, Trilogy incorrectly asserts that the paragraph is impertinent, immaterial, scandalous, and unfairly prejudicial. That paragraph is pertinent to Plaintiffs’ claims against Trilogy and other Defendants and is not scandalous.

4. WHEREFORE, Plaintiffs respectfully request that this Court deny Trilogy’ Motion to Strike. Should this Court grant Trilogy’s motion in any respect, Plaintiffs request leave to amend their pleading to cure any defects.

Dated: February 6, 2023

Respectfully submitted,

/s Robert L. Gibbs
Robert L. Gibbs (Bar No. 4816)
Gibbs Travis PLLC
210 East Capitol Street, Suite 1801

Jackson, MS 39201
Telephone: 601-487-2640
Fax: 601-366-4295
rgibbs@gibbstravis.com

Mark P. Chalos (Admitted *Pro Hac Vice*)
Lead Counsel
Kenneth S. Byrd (Application for Admission *Pro Hac Vice*
Forthcoming)
Lieff Cabraser Heimann & Bernstein, LLP
222 2nd Avenue South, Suite 1640
Nashville, TN 37201-2379
Telephone: 615-313-9000
Facsimile: 615-313-9965
mchalos@lchb.com
kbyrd@lchb.com

Tiseme G. Zegeye (Admitted *Pro Hac Vice*)
Jacob H. Polin (Admitted *Pro Hac Vice*)
Amelia A. Haselkorn (Admitted *Pro Hac Vice*)
Lieff Cabraser Heimann & Bernstein, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: 415-956-1000
Facsimile: 415-956-1008
tzegeye@lchb.com
jpolin@lchb.com
ahaselkorn@lchb.com

Stuart C. Talley (Admitted *Pro Hac Vice*)
Kershaw Talley Barlow, P.C.
401 Watt Avenue, Suite 1
Sacramento, CA 95864
Telephone: 916-779-7000
stuart@ktblegal.com

Larry Moffett (Bar No. 3401)
Law Office of Larry D. Moffett PLLC
P.O. Box 1418
39 CR 231
Oxford, MS 38655
Telephone: 662-298-4435
larry@larrymoffett.com

Attorneys for Plaintiffs and the Proposed Class

CERTIFICATE OF SERVICE

I, Jacob H. Polin, declare as follows:

I am employed in the law firm of Lieff Cabraser Heimann & Bernstein, LLP, whose address is 275 Battery Street, 29th Floor, San Francisco, California 94111-3339. I am readily familiar with the business practices of this office. At the time of transmission, I was at least eighteen years of age and not a party to this action.

On February 6, 2023 I directed that the foregoing document be filed via the U.S. District Court's CM/ECF electronic system and a copy thereof was served upon all counsel of record:

**PLAINTIFFS' RESPONSE IN OPPOSITION TO TRILOGY ENGINEERING
SERVICES, LLC'S MOTION TO STRIKE PARAGRAPH 208 OF PLAINTIFFS'
COMPLAINT**

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed on February 6, 2023.

/s/ Jacob H. Polin

Jacob H. Polin